

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 4:20-CR-00769 SRC
	)	
JONATHAN M. WELLS,	)	
	)	
Defendant.	)	

**GOVERNMENT’S MEMORANDUM IN RESPONSE TO  
DEFENDANT’S SENTENCING MEMORANDA**

COMES NOW the United States of America, by and through Sayler A. Fleming, United States Attorney for the Eastern District of Missouri, and Jillian S. Anderson, Assistant United States Attorney for said District, and files this memorandum in support of the Government’s request for a sentence of 120 months of imprisonment to be followed by lifetime supervised release and appropriate restitution and assessments, and in response to the Defendant’s sentencing memoranda in which the Defendant argues for a sentence of 60 months imprisonment.

The Government is requesting a sentence of 120 months imprisonment to be followed by lifetime supervised release and appropriate restitution and assessments. The Government is requesting this sentence because it is the Government’s contention that this sentence, as per 18 U.S.C. §3553(a), is sufficient, but not greater than necessary to reflect the seriousness of the offense, to promote respect for the law, to provide just punishment, to provide adequate deterrence, to protect the public from further crimes of the Defendant and to provide the Defendant with needed treatment. 18 U.S.C. §3553(a). The facts underlying the Government’s

sentencing request include the quantity and character of the child pornography received by the Defendant and the Defendant's sexual exploitation of juvenile victim K.S.

WELLS HAD OVER 25,000 CHILD SEXUAL ABUSE IMAGES & VIDEOS

Law enforcement officers executed a search warrant at the residence of the Defendant on November 19, 2020. Forensic analysis of the Defendant's electronics located well over 25,000 images and videos of child pornography on the Defendant's cellular telephone, his computer, on an external hard drive and on a thumb drive. To put this volume of child pornography in perspective, it is notable that the U.S. Sentencing Commission found that in fiscal year 2019, non-production child pornography offenses nationwide involved a median number of 4,265 images of child pornography. *See* U.S. Sentencing Commission, *Federal Sentencing of Child Pornography: Non-Production Offenses* (June 2021) at p. 36. On November 19, 2020, the Defendant possessed over six times the volume of the median child pornography case. Moreover, the character of the child pornography of interest to the Defendant is alarming. The child sexual abuse material that the Defendant sought out and collected indicated a very strong interest in the sexual abuse of infants and toddlers, the sexual abuse of female children under the age of ten years and the sexual abuse of children who are subjected to bondage and physical restraint. The child sexual abuse that appears to gratify the Defendant involves the very young and it involves cruelty. A representative sample of the child sexual abuse material possessed by the Defendant is as follows:

- a. An infant spearing to be less than four months of age whose gender is unknown with an adult penis inserted into his or her mouth.
- b. Two nude female children, who appear under the age of four years, and a nude adult male standing in a bathtub. The two female children are shown with their bare vaginas exposed to the camera while covered in a white, milky substance appearing to be semen, which is spread upon their bare chests and faces. Additionally, the adult male is further shown urinating from his erect penis onto the chest and vaginal area of one of the female toddlers.

- c. Female child who appears to be under the age of ten years and whose facial expression is indicative of distress. She is dressed in a tiger-print dress with a plastic costume cat nose over her nose and she is being vaginally penetrated by an adult penis.
- d. A female child who appears to be under the age of ten years. She is nude and her reddened genitals are being lasciviously displayed. She is holding a sign that reads: "From fuckslut Melinda to all the pedo perverts on Pedoboard and Onion ID and everyone else enjoying her."
- e. A female child, who appears to be under the age of five years, who has a pacifier in her mouth and is being vaginally penetrated by a penis-shaped object.
- f. An image containing about eleven male and female children who all appear to be under the age of twelve. They are eating ice cream and are fully nude or wearing only underwear.
- g. A female child who appears to be under the age of ten years who is nude other than wearing black thigh-high sheer stockings and white stiletto heels and is being vaginally penetrated by an adult penis.
- h. A female child who appears to be under the age of five years with an adult penis inserted into her mouth.
- i. A female child who appear to be under the age of four years being anally sodomized by an adult penis and who appears to be crying in distress.
- j. A female child who appears to be under the age of six years and who is nude. She appears to be crying and distressed and is being vaginally penetrated by an adult penis.
- k. A female child who appears to be under the age of twelve years whose hands and wrists are tied with a black strap material and who appears to be screaming as well as another image of who appears to be this same female child with a black strap tied around her neck and in her mouth who facial expression is indicative of distress.
- l. A female child who appears to be under the age of ten years who is nude and lying on a bed. She is in a spread-eagle position with her arms and legs bound by thick black straps that are tied toward the corners of the bed in a manner that renders her unable to move.
- m. A male or female child who appears to be under the age of two years and has his or her mouth on an adult penis.
- n. A female child who appears to be under the age of ten years whose anus and vagina are the focus of an image in which the child is tied with a rope that is blue, white and yellow in color. Her legs are tied together at the ankles and her wrists are tied at the corners of what appears to be a small bed.
- o. A female child who appears to be under the age of ten years lying face down on a bed and is nude from at least the waist down. She has her hands tied behind her back with numerous loops of white cord. She has each of her feet also tied with multiple loops of white cord that is further tied to the corners of the bed rendering her unable to move. The image focuses on her anus and vagina.
- p. A female child who appears to be under the age of thirteen years who is nude. She is kneeling on a carpet with her lower legs and face on the carpet and her torso and buttocks in the air. Her ankles and wrists are all bound together by what appears to

- be a steel metal contraption that locks her ankles and wrists together in a straight line at the area of her ankles. The image is focused on her buttocks and vagina.
- q. A toddler child whose gender is indeterminable and who is nude and is prone on a piece of what appears to be cardboard. The child is bound at the wrists, elbows and ankles with what appears to be a black cord that is then affixed to the cardboard so that the child cannot move his or her legs or arms. The image focuses on the buttocks and anus area of the toddler.
  - r. A nude female child who appears to be less than twelve years of age who is laid out on top of a table. Her wrists are bound together and she is blind-folded and has a ball bag in her mouth that is tied behind her head. Beside her on the table is set a plate containing food, a glass of what appears to be wine and utensils.
  - s. A female child who appears to be under the age of six years who is nude and being anally penetrated by an adult penis.
  - t. An adult penis ejaculating on a female infant who appears to be under six months of age.
  - u. A female child who appears to be under twelve years of age and whose ankles and wrists are bound with a purple strap and who is being anally sodomized by an adult penis.
  - v. A female child who appears to be under twelve years of age who is nude and is laying with her legs spread far apart in what appears to be a gynecologist's examination table. The child is tied to the table with thick brown straps at her ankles, just below the knees and at the wrists. She has a gag over her mouth. Her vagina is displayed in the image.
  - w. A female child who appears to be under the age of five years. She is lying nude on a towel on a bed with her legs spread in a lascivious display of her vagina and anus. Her wrists have been tied with a white cloth-like material which is affixed to the corners of the bed so that the child cannot raise up or move her upper body.
  - x. A female child who appears to be under the age of thirteen years whose vagina is lasciviously displayed and whose ankles are bound together with black straps and chain. Her wrists are similarly bound together with black straps and chain.
  - y. A female child who appears to be under the age of ten years who is nude. Her legs are spread in a lascivious display of her vagina. Her wrists and knees are bound with a white cord that is then affixed to the various parts of the bed on which she lies. She has a red ball gag in her mouth and tied behind her head. The words "Lick me Please" are written in red ink on her abdomen with a drawn red arrow pointing to her vagina.
  - z. A female child who appears to be under the age of eight years who is lying nude on a bed. Her vagina is a focus of the image. Her wrists and ankles are bound with thick black ties to the corners of the bed rendering her unable to move.

#### THE VICTIMIZATION OF K.S. BY DEFENDANT WELLS

The evidence demonstrates that beyond seeking gratification through images and videos of children being sexually abused as described above, the Defendant further focused his prurient

and pedophilic desires on one particular child. That child was seven-year-old K.S. K.S. is the child of close friends of the Wells family and she is a child with whom the Defendant has had substantial contact and access.

At least nineteen times, the Defendant super imposed the face of K.S. onto the bodies of other children in child sexual abuse material so as to make the image appear to be K.S. who is being subjected to bondage and sexual abuse. In some images, the Defendant took photographs of himself in which he is nude and exhibiting his penis and he took photographs of the interior spaces of his home and then combined such photographs with the image of K.S. and other child sexual abuse material so as to create an image in which it appears that the Defendant is sexually abusing K.S. at various locations inside his family home.

The sexual abuse of K.S. is a fixation and obsession of the Defendant as evidenced by the substantial effort he utilized to create images of his fantasy depicting K.S. There were numerous prepubescent female children already depicted in the Defendant's vast collection of child pornography. Further, the Defendant undoubtedly could have gained access to a photographic depiction of the face of innumerable prepubescent female children via the internet, other children known to him or children found in public places he visited. But it is harrowingly telling that the Defendant appeared to utilize only K.S. time and time again in his creations. It evidences obsession and menace directed at a particular child who is a residence of the Eastern District of Missouri and due the protection of our justice system.

The family of K.S. will raise her under the constant shadow of the threat presented by the Defendant. While the Defendant is unlikely ever know the identity and whereabouts of the children he victimized in the over 25,000 files of child pornography consumed, he knows the intimate details of the life of K.S. and her family. He knows her age, her school routine, her

residence, her neighborhood. His crime sent ripples through the community where K.S. lives and she and her family will contend with this unwanted and discomforting attention for years to come. K.S. and her family will deal with a diminished sense of security when the Defendant is no longer incarcerated, as their trust regarding his intentions toward K.S. has been demolished.

THE ATYPICAL AND EGREGIOUS FACTS OF THE DEFENDANT’S CRIME AND THE CRITERIA SET FORTH IN 18 U.S.C. §3553(a) ARE THE DRIVING FACTORS WARRANTING A SENTENCE OF 120 MONTHS AND ECLIPSE ANY GENERALIZED THEORIES REGARDING THE MERITS OF THE UNITED STATES SENTENCING GUIDELINES AS GENERALLY APPLIED TO CHILD PORNOGRAPHY CASES

The Defendant has filed extensive briefing with the Court addressing, in large part, the “major flaws” that the Defendant perceives regarding the United States Sentencing Commission Sentencing Guidelines as they generally apply to child pornography offenses. The Government wishes to underscore that its recommendation of 120 months of imprisonment is not premised on that sentence being within the applicable guideline range, it is premised upon the facts of this particular crime and the 18 U.S.C. §2552(a) factors. The Government acknowledges that for a myriad of reasons, prosecutors and defendants regularly request variances from the guidelines and courts regularly impose sentences that vary from the guidelines in child pornography cases.

The sentence of 60 months imprisonment as requested by the Defendant is lower than the average sentence imposed in the nation, the Eighth Circuit or the Eastern District of Missouri. In 2020, the nationwide average sentence for a first-time offender convicted of receiving child pornography was 83 months. *See* U.S. Sentencing Commission, *Quick Facts – Child Pornography Offenders* (June, 2021). In 2019, the nationwide average sentence for a first-time offender convicted of receiving child pornography was 96 months. *See* U.S. Sentencing Commission, *Federal Sentencing of Child Pornography: Non-Production Offenses* (June 2021) at p. 26. Between the years of 2015 and 2020, in the 8<sup>th</sup> Judicial Circuit, the average sentence for

an offender for whom U.S.S.G. Section 2G2.2 applied was 87 months and in the Eastern District of Missouri was 68 months. *See*, U.S. Sentencing Commission, *Interactive Data Analyzer for 2015-2020*, available at <https://ida.ussc.gov/analytics/saw.dll?Dashboard>. The sentence of 120 months imprisonment as recommended by the Government would represent a higher than average sentence. However, the Government emphasizes that the Defendant's crime is extraordinary in the volume of child pornography he received, the extreme nature of that child pornography and, above all, his targeted sexual exploitation of K.S.

For these reasons, the Government respectfully requests a sentence of 120 months imprisonment to be followed by lifetime supervised release.

Respectfully submitted,

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#### CERTIFICATE OF SERVICE

I hereby certify that on March 9, 2022, the foregoing was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system upon Diane Dragan, counsel for the Defendant.

/s/ Jillian S. Anderson  
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Assistant United States Attorney